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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,742	09/22/2000	Charles Cameron Brackett	15-UL-5580	9983

44702 7590 01/14/2005

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EXAMINER	
HENEGHAN, MATTHEW E	
ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/667,742	BRACKETT, CHARLES CAMERON	
	Examiner	Art Unit	
	Matthew Heneghan	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-13 and 30-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-13 and 30-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 1, 4, 5, and 8-13; cancelled claims 6, 7, and 14-29; and added claims 30-36. Claims 1-5, 8-13, and 30-36 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 30-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 recites the limitation "said monitoring step" in the last paragraph. There is insufficient antecedent basis for this limitation in the claim. It is being presumed that this refers to the "means for monitoring," and it is also presumed that the steps subsequently recited are in an algorithm being performed by the monitoring means.

Claims 31-36 depend from rejected claim 30, and include all the limitations of that claim, thereby rendering those dependent claims indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4, 8, 9, 12, 13, 30-32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,269,379 to Hiyama et al. in view of U.S. Patent No. 6,694,434 to McGee et al.

As per claim 1, Hiyama discloses a system for acquiring images from an endoscope (see column 3, lines 54-55). Each image constitutes a frame. The system has memory for storing images and operating code, which is loaded from a hard disk at power-up (see column 4, lines 3-5 and column 6, lines 30-32), a viewing monitor for displaying frames (see column 4, lines 28-31).

Hiyama does not disclose the use of an encrypted registry or measures to directly protect against computer viruses, but notes that it is desirable to protect against viruses (see column 8, lines 66-67).

McGee discloses that processes be checked against a registry (see column 5, lines 13-20) before being started (see column 4, lines 20-23) and that registry information is signed (encrypted) using a private key (see column 4, lines 35-39), and authenticated (decrypted) using a public key (see column 5, lines 10-12), and further suggests that it would be desirable to provide a mechanism that reduces the likelihood

of an unauthorized application being run, such as one that contains a virus (see column 2, lines 42-48).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement security on the system of Hiyama in the manner disclosed by McGee, as it would be desirable to provide a mechanism that reduces the likelihood of an unauthorized application being run, such as one that contains a virus.

Regarding claims 4, 8, and 9, McGee discloses that the system checks if the application being started is on the registration list, and, if not, notifies the user about the potential virus and gets instructions using a graphical user interface (see McGee, column 7, line 63 to column 7, line 9 and column 7, lines 41-65), and kills the process if the user does not give permission (see McGee, figure 3a).

Regarding claims 12 and 13, after the user is notified that an application is requesting to execute (see McGee, column 8, lines 42-45), a second signal is sent to the user asking whether execution privileges should be granted (see McGee, column 8, lines 45-51), resulting in the application being registered.

Hiyama and McGee do not disclose the use of actuators in the user interfaces.

Regarding all limitations involving the use of virtual actuators in user interfaces, Official notice is given that the use of actuators for user dialog in graphical user interfaces is well-known in the art, as they make programs more user-friendly.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Hiyama and McGee using actuators in the user interfaces, in order to make the system more user-friendly.

Regarding claims 30-32, 35, and 36, the system disclosed by Hiyama constitutes a computer.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,269,379 to Hiyama et al. in view of U.S. Patent No. 6,694,434 to McGee et al. as applied to claim 1 and further in view of U.S. Patent No. 5,881,151 to Yamamoto.

Hiyama and McGee do not disclose checking for checksums or file size.

The virus diagnosing system disclosed by Yamamoto checks for a file using techniques including checksums and size checks before executing a program (see abstract), and Yamamoto further suggests that this enables a discrimination to be made to minimize the damage of the virus (see column 2, line 66 to column 3, line 2).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hiyama and McGee by checking for checksums and size, as disclosed by Hiyama, to minimize the damage of the virus.

5. Claims 5, 10, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,269,379 to Hiyama et al. in view of U.S. Patent No. 6,694,434 to

McGee et al. as applied to claims 4, 9, and 32, above, and further in view of U.S. Patent No. 6,266,773 to Kisor et al.

Hiyama and McGee do not disclose a log of events.

Kisor discloses a computer security system wherein historical events are compiled, so that the real time activity of a program can be monitored to see whether the real time activity fits within the stored patterns.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hiyama and McGee by compiling historical events, so that the real time activity of a program can be monitored to see whether the real time activity fits within the stored patterns.

6. Claims 11 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,269,379 to Hiyama et al. in view of U.S. Patent No. 6,694,434 to McGee et al. as applied to claims 9 and 32, above, and further in view of U.S. Patent No. 5,319,776 to Hile et al.

Hiyama and McGee do not disclose an option to delete files from storage after discovering that they may be infected.

Hile discloses a virus safeguard wherein infected files are deleted from storage (see column 7, lines 17-44), and further suggests that prevents the virus from spreading to other computer systems that communicate with that system (see column 2, lines 4-11).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hiyama and McGee be adding an option to delete files from storage, as disclosed by Hile, in order to prevent the virus from spreading to other computer systems that communicate with that system.

Response to Arguments

7. Applicant's arguments, see Remarks, filed 22 July 2004, with respect to the rejection(s)of claim(s) 1-5 and 8-13 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive in view of Applicant's amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the art cited above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,442,486 to Mayer discloses a system for restricting execution to registered programs, and teaches to an ultrasound system.

U.S. Patent No. 5,818,570 to Urbanczyk teaches to considerations for protecting stored medical image data.

U.S. Patent No. 6,557,102 to Wong et al. discloses a medical archive server for protecting image information.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks

P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH

January 6, 2005

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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